

RESOLUTION NO. 09R__

A RESOLUTION REGARDING PUBLIC RIGHT OF WAY DEDICATIONS ALONG TIPPLE PARKWAY (WCR 16), SILVER BIRCH BOULEVARD (WCR 11), AND THE PROPOSED EAGLE BOULEVARD ADJACENT TO AND WITHIN THE PROPOSED EAGLE RIDGE BUSINESS PARK, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO ACCEPTANCE OF THE DEDICATIONS.

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, on June 23, 2009, reviewed the dedication deed of Wallace H. Grant, Wallspring, LLC, and WH Grant Enterprises, LLC, ("Grantors") 436 Coffman St. Suite 200, Longmont, CO 80502, for the dedication for public rights of way of the following real property; to wit:

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 26, T2N, R68W OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, as more particularly described in Exhibit A.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Findings of Fact.

- A. The Grantors' dedication and supporting documents are in substantial compliance with the *Frederick Land Use Code* for dedications of land for public rights of way.
- B. The dedications are compatible with adjacent land uses and conform to the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- C. The dedications will facilitate creation and development of the Grantors' proposed Eagle Ridge Business Park pursuant to the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- D. The dedications as proposed preserve the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.

Section 2. Conclusions and Order Approving the Dedication of Public Rights of Way.

- A. The proposed dedications comply with the applicable sections of *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.

- B. The dedications are approved subject to the following conditions of approval:
- (1) A deed of dedication for the proposed rights of way shall be executed and recorded prior to issuance of development approval for any portion of the Eagle Ridge Business Park, Grantors' real property adjacent to the subject dedications, or transfer of any portion of real property thereof.
 - (2) A detailed Memorandum of Agreement for Public Improvements (MOAPI) shall be prepared and signed prior to recording any Final Plat subdividing the adjacent lands owned by Grantors.
- C. The proposed dedications of public right of way along Tipple Parkway (WCR 16), Silver Birch Boulevard (WCR 11), and the proposed Eagle Boulevard, subject to the above conditions, should be granted approval.

INTRODUCED, READ, PASSED, AND SIGNED THIS 23rd DAY of JUNE, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette Fornof, Town Clerk

By _____
Eric Doering, Mayor

EXHIBIT A

LEGAL DESCRIPTION SILVER BIRCH BLVD, EAGLE WAY BLVD & TIPPLE PARKWAY RIGHT-OF-WAY

A tract of land located in the SE1/4 of Section 26, T2N, R68W of the 6th P.M., Town of Frederick, County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast Corner of said Section 26 from which the S1/4 Corner of said Section 26 bears, S89°36'07"W, (Basis of Bearing), thence S89°36'07"W, 1904.87 feet along the South Line of the SE1/4 of said Section 26 to the West Line of Lot B, Recorded Exemption No. 1313-26-4-RE506 recorded May 3, 1985 in Book 1067 at Page 1897 as Reception Number 2008233 of the records of Weld County, Colorado;

Thence N23°06'36"W, 54.20 feet along the Westerly Line of said Lot B to a point on a line that is 50 feet Northerly of, as measured at right angles to the said South Line of the SE1/4 of said Section 26;

Thence N89°36'07"E, 839.79 feet along a line that is parallel with, as measured at right angles to the said South Line of the SE1/4 of said Section 26 to the Westerly right-of-way Line of Eagle Way Boulevard;

Thence N00°23'53"W, 1138.16 feet along the Westerly right-of-way Line of Eagle Way Boulevard to the Northwest Corner thereof;

Thence N89°36'07"E, 75.00 feet along a line that is parallel with, as measured at right angles to the said South Line of the SE1/4 of said Section 26 to a point on a line that is 75 feet Easterly of, as measured at right angles to the said West right-of-way Line of said Eagle Way Boulevard;

Thence S00°23'53"E, 1138.16 feet along the Easterly right-of-way Line of Eagle Way Boulevard to a point on a line that is 50 feet Northerly of, as measured at right angles to the said South Line of the SE1/4 of said Section 26;

Thence N89°36'07"E, 921.75 feet along a line that is parallel with, as measured at right angles to the said South Line of the SE1/4 of said Section 26;

Thence N44°52'19"E, 42.23 feet to a point on a line that is 60 feet Westerly of, as measured at right angles to the said East Line of the SE1/4 of said Section 26;

Thence N00°08'30"E, 1012.12 feet along a line that is parallel with, as measured at right angles to the said East Line of the SE1/4 of said Section 26 to the South Line of Lot A said Recorded Exemption No. 1313-26-4-RE506;

Thence N89°12'45"E, 30.00 feet along the South Line of said Lot A to the Southeast Corner thereof and a point on a line that is 30 feet Westerly of, as measured at right angles to the said East Line of the SE1/4 of said Section 26;

Thence N00°08'30"E, 183.43 feet along the East Line of said Lot A and along a line that is parallel with, as measured at right angles to the said East Line of the SE1/4 of said Section 26 to the Northeast corner thereof and a point on a line that is 30 feet Westerly of, as measured at right angles to the said East Line of the SE1/4 of said Section 26;

Thence S89°20'20"W, 30.00 feet along the North Line of said Lot A to a point on a line that is 60 feet Westerly of, as measured at right angles to the said East Line of the SE1/4 of said Section 26;

Thence N00°08'30"E, 531.70 feet along a line that is parallel with, as measured at right angles to the said East Line

of the SE1/4 of said Section 26 to the South Line of that tract of land conveyed to Jeffrey N. Greenlee and Kathryn A. Wright in that Warranty Deed recorded July 6, 1999 as Reception Number 2704280 of the records of Weld County, Colorado;

Thence S73°55'13"E, 62.40 feet along the South Line of said Reception Number 2704280 to the East Line of the SE1/4 of said Section 26;

Thence S00°08'30"W, 1789.34 feet along the East Line of the SE1/4 of said Section 26 to the Southeast Corner of said Section 26 and the POINT OF BEGINNING.

Area = 6.450 acres, more or less.